

Hand-Delivered

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:19-cv-00590-FDW-DSC

FILED
CHARLOTTE, NC

JUL 31 2020

US DISTRICT COURT
WESTERN DISTRICT OF NC

LEGRETТА F. CHEEK

Plaintiff,

vs.

GURSTEL LAW FIRM, P.C.,
SHANNON N. CRANE,
WHITNEY M. JACOBSON
JESSE VASSALLO LOPEZ

Defendants.

PLAINTIFF'S MOTION TO REOPEN

COME NOW Plaintiff Legretta F. Cheek ("Cheek") move this Court for an Order to Reopen case number 3:19-cv-00590-FDW-DSC for relief from the Order to transfer said case to the United States District Court of Phoenix Arizona of Defendants GURSTEL LAW FIRM, P.C., SHANNON N. CRANE, WHITNEY M. JACOBSON, and JESSE VASSALLO LOPEZ in accordance to Federal Rules of Civil Procedures Rule 60(b)(6) (the "Rules").

WHEREFORE, for the foregoing reasons and the reasons set forth in Ms. Cheek's Motion to Transfer filed contemporaneously herewith, which is incorporated herein by reference, Ms. Cheek respectfully pray that the Court grant the relief sought for Motion to Reopen and for such relief this Court deems just and proper.

Respectfully submitted this 31th day of July, 2020.



Legretta F. Cheek
113 Indian Trail Rd N, Suite 100
Indian Trail, North Carolina 28079
lcheek9176@aol.com
Plaintiff *pro se*

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:19-cv-00590-FDW-DSC

LEGRETТА F. CHEEK

Plaintiff,

vs.

GURSTEL LAW FIRM, P.C.,
SHANNON N. CRANE,
WHITNEY M. JACOBSON
JESSE VASSALLO LOPEZ

Defendants.

PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO REOPEN

COME NOW Plaintiff Legretta F. Cheek ("Cheek") move this Court for an Order to Reopen case number 3:19-cv-00590-FDW-DSC for relief from the Order to transfer said case to the United States District Court of Arizona of Defendants GURSTEL LAW FIRM, P.C., SHANNON N. CRANE, WHITNEY M. JACOBSON, and JESSE VASSALLO LOPEZ, and where the action was brought against Ms. Cheek in Arizona pursuant to Federal Rules of Civil Procedures Rule 60(b)(6) (the "Rules").

Based on the fact that Ms. Cheek improperly filed the Complaint in the wrong jurisdiction where she resides, and the Court lacks personal jurisdiction over the Defendants, Ms. Cheek contemporaneously filed Motion to Transfer should be deemed timely filed.

Rule 60(b)(6) "is equitable in nature and authorizes the trial judge to exercise his discretion in granting or withholding the relief sought." *State ex rel. Envtl. Mgt. Comm'n v. House of Raeford Farms, Inc.*, 101 N.C. App. 433, 400, S.E.2d 107 (199). Ms. Cheek is making this motion based on the following reasons:

On December 6, 2018, Gurstel Law Firm filed a lawsuit in the Superior Court of Arizona, County of Maricopa, titled Bank of America, N.A., Plaintiff, v. Legretta F. Cheek, Defendant for collections of an alleged debt. [Doc. 15]. Currently, this case is still under Appeal in Arizona.

On November 4, 2019, Ms. Cheek filed a complaint in North Carolina Western District Court, Charlotte Division for Defendants violations for Fair Debt Collection Practices Act (“FDCPA”) 15 U.S.C. § 1692 for suing Ms. Cheek in an improper venue. [Doc. 1].

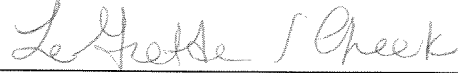
On July 14, 2020, the Order granted Defendants Motion to Dismiss without Prejudice for Lack of Jurisdiction. [Doc. 31].

Ms. Cheek did in fact “mistakenly believe an appropriate district court is one in which *Plaintiff* is subject to personal jurisdiction” as stated in the Order. It was an inadvertent error since there was a lack of access to research facility due to COVID-19. Ms. Cheek was unable to go to the law library to get access to LexisNexis, West Law or any of those systems. Ms. Cheek’s inadvertent error should be excusable. In addition, the Order entitled Ms. Cheek to freely re-file her complaint within thirty (30) days of the Order.

Ms. Cheek recognizes her errors, and understands how to correct them by requesting relief to move this Court to Reopen and Transfer said case to United States District Court in Phoenix Arizona. The Motion to Reopen and Motion to Transfer are filed timely. Therefore, Ms. Cheek’s request Motion to Reopen and Motion to Transfer filed contemporaneously herewith be Granted.

WHEREFORE, for the foregoing reasons and the reasons set forth in Ms. Cheek’s Motion to Transfer filed contemporaneously herewith, which is incorporated herein by reference, Ms. Cheek respectfully pray that the Court grant the relief sought for Motion to Reopen.

Respectfully submitted this 31th day of July, 2020.



LeGretta F. Cheek
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Plaintiff *pro se*

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
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LEGRETТА F. CHEEK

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GURSTEL LAW FIRM, P.C.,
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Defendants.

CERTIFICATE OF SERVICE

I hereby certify **PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO REOPEN** was **hand delivered on July 31, 2020**, to the United States District Court, Western District Court of North Carolina, 401 West Trade Street, Room 216, Charlotte, NC 28202. The Attorneys of records are served through the Clerk of Court electronic CM/ECF system, which will send an email notification of such filing to the following attorney of record:

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Dated: July 31, 2020

Respectfully Submitted,



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